

STATE OF FLORIDA

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Public Service Commission

COMMISSION  
CLERK

January 23, 2004

Mr. Harold Shriver  
11130 Baker Road  
Keymar, MD 21757-8126

Re: Docket No. 030828-WS - Complaint Nos. 512346W and 533120W contesting high water and wastewater bills for December 2002 and April 2003, respectively, filed by Mr. Harold Shriver against Terra Mar Village Utilities, Inc., in Volusia County.

Dear Mr. Shriver:

The Commission has directed me to provide you with information so that your Petition for Initiation of Proceedings complies with the requirements of Rule 28-106.201(2), Florida Administrative Code. That Rule specifically requires, among other things, a petition to contain:

- (b) The . . . telephone number of the petitioner . . . ;
- \*\*\*
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged as well as the rules and statutes which entitle the petitioner to relief;

It appears that your initial petition is deficient in regards to the above-noted subparagraphs and the Commission has given you 41 days to modify your petition to bring it into compliance with those subparagraphs. I have attempted to call both you and your son, but, to date have been unsuccessful. The first deficiency noted in subparagraph (b) is easiest enough to fix as it requires only your telephone number.

Subparagraph (d) requires a statement of all disputed issues of material fact. In Order No. PSC-03-1248-PAA-WS, the Commission found that the meter had registered 10,953 gallons of water used for the period October 22, 2002, through November 22, 2002, and that the utility correctly charged you \$196.91 for this use. Also in that Order, the Commission found that for the month of April 2003 the meter registered 4,602 gallons of water used and that the utility correctly billed you for \$99.67. The Commission further found that the meter was registering correctly and

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Mr. Harold Shriver

Page 2

January 21, 2004

had correctly started at zero when first installed. Also, the Commission noted that you were only there for the first period from November 9, 2002 (a period of approximately 13 days), and that you were not there at all for the second period. Finally, the Commission noted that by letter dated May 22, 2003, Mr. David Hanna of the Florida Rural Water Association had performed a visual inspection and observed a leak in the new service lines that you had had installed. The Commission concluded that the excessive usage might be accounted for by the indicated problems you were having with your piping, or possibly from the commode or washing machine which you admit you had replaced. If you disagree with any of the above facts or have other issues of material fact which you dispute, you should supplement your petition and so state the material facts which are in dispute.

Subparagraph (e) above requires "a concise statement of the ultimate facts alleged as well as the rules and statutes which entitle" you to relief. I believe you need to clarify "the ultimate facts alleged" and the rules and statutes which entitle you to relief.

To assist you in redrafting or supplementing your petition, I have attached two petitions on proposed agency action that were accepted by the Commission as being sufficient. Please note that the 41 days began to run on January 20, 2004, and that any modifications to your Petition should be filed by no later than March 1, 2004. If you have any questions, or if I can be of any further assistance, please contact me at 850-413-6234.

Sincerely,



Ralph R. Jaeger  
Senior Attorney

RRJ:jb

cc: Division of the Commission Clerk and Administrative Services  
Division of Consumer Affairs (Plescow)

Enclosures

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